

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

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Legislative Document

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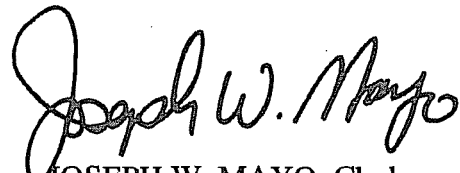
H.P. 1064

House of Representatives, May 4, 1993

**An Act to Allow Political Parties to Determine the Method of  
Nominating Candidates.**

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Reference to the Committee on Legal Affairs suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative MICHAEL of Auburn.  
Cosponsored by Representative: KUTASI of Bridgton.

Be it enacted by the People of the State of Maine as follows:

2  
3       **Sec. 1. 21-A MRSA §144, sub-§§3 and 4,** as enacted by PL 1985,  
4 c. 161, §6, are amended to read:

6       **3. Restrictions during change of enrollment.** A voter may  
7 not vote at a caucus, convention or primary election if party  
8 enrollment is required, or file a petition as a candidate for  
9 nomination by primary election within 3 months after filing an  
10 application to change his the voter's enrollment, except as  
11 provided in subsection 4.

12       **4. Change of residence.** When a voter changes his residence  
13 from one municipality to another and establishes a new voting  
14 residence there, he the voter may enroll in any party and vote at  
15 a caucus, convention or primary election if party enrollment is  
16 required, or file a petition as a candidate for nomination by  
17 primary election, regardless of his the voter's previous  
18 enrollment.

19       **Sec. 2. 21-A MRSA §166, sub-§1,** as enacted by PL 1985, c. 161,  
20 §6, is amended to read:

21       **1. Candidate in primary election.** If the candidate is a  
22 candidate for nomination in a primary election, he caucus or  
23 convention, the candidate is entitled to the additions, deletions  
24 and changes from the time he the candidate is a declared  
25 candidate in that primary election, caucus or convention until  
26 the day of the primary-election nominating event. But if he the  
27 candidate is nominated in that primary election, caucus or  
28 convention to be a candidate in the general election, he the  
29 candidate is entitled to those additions, deletions and changes  
30 until the day of the general election.

31       **Sec. 3. 21-A MRSA §301, sub-§3** is enacted to read:

32       **3. Primary election defined.** Notwithstanding section 1,  
33 subsection 32, for purposes of this subchapter, the term "primary  
34 election" means the regular election, caucus or convention for  
35 the election of nominees of a party for the general election.

36       **Sec. 4. 21-A MRSA c. 5, sub-c. I, art. IV, first 2 lines** are repealed  
37 and the following enacted in their place:

38                                   **Article IV**

39                                   **NOMINATION BY PRIMARY ELECTION, CAUCUS**  
40                                   **OR CONVENTION**

2           **Sec. 5. 21-A MRSA §331**, as enacted by PL 1985, c. 161, §6, is  
amended to read:

4           **§331. Primary, caucus or convention required**

6           **1. Nomination by primary election, caucus or convention.** A  
party's nomination of a candidate for any federal, state or  
8 county office shall must be made by primary election, caucus or  
convention, as provided in this Article.

10           **2. Exceptions.** This Article does not apply to:

12           A. ~~Nominations for presidential electors;~~

14           B. Nominations to fill vacancies under subchapter III; and

16           C. Nominations by petition under subchapter II.

18           **3. Limitations to candidacy.** The following limitations  
20 apply to all candidates for nominations.

22           A. A person may not file, whether by primary election,  
caucus, convention or nomination petition, as a candidate  
24 for more than one federal, state or county office at any  
election, caucus or convention, except for a candidate for  
26 membership in a county charter commission under section 351,  
subsection 3.

28           B. A person may file as a candidate for any federal, state  
30 or county office either by primary election, caucus,  
convention or nomination petition but not by both more than  
32 one, except for a candidate for membership in a county  
charter commission under section 351, subsection 3.

34           **4. Party choice for nominating forum.** A political party  
36 may choose the method of nominating a candidate, choosing among  
primaries, caucuses or convention by notifying the Secretary of  
38 State of the choice at least 6 weeks prior to the date of the  
events.

40           **Sec. 6. 21-A MRSA §334**, as enacted by PL 1985, c. 161, §6, is  
42 amended to read:

44           **§334. Qualification of candidate for primary nomination**

46           A candidate for nomination by primary election, caucus or  
convention must file a primary petition and consent under  
48 sections 335 and 336. He The candidate must be enrolled, on or  
before April 1st, in the party named in the petition and must be  
50 eligible to file a petition as a candidate for nomination by  
primary

election, caucus or convention under section 144, subsection 3.  
The registrar in the candidate's municipality of residence must  
certify to that fact upon the petition.

**Sec. 7. 21-A MRSA §336, sub-§1**, as enacted by PL 1985, c. 161,  
§6, is amended to read:

**1. Consent.** The consent must contain a statement signed by  
the candidate that he the candidate will accept the nomination of  
the primary election, caucus or convention. The statement may be  
printed as a part of the primary petition.

**Sec. 8. 21-A MRSA §§338 and 339**, as enacted by PL 1985, c.  
161, §6, are amended to read:

**§338. Write-in candidates**

A If a primary election is held, a person whose name will  
not appear on the printed primary ballot because he the person  
did not file a petition and consent under sections 335 and 336,  
but who fulfills the other qualifications under section 334, may  
be nominated at the primary election as a write-in candidate in  
accordance with section 723, subsection 1.

**§339. Time and nature of election, caucus or convention**

The primary election shall, caucus or convention must be  
held on the 2nd Tuesday of June of each general election year and  
is considered to be a separate election for each party which that  
takes part in it. This includes the duties of public officials  
in announcing the election, caucus or convention, providing forms  
and ballots, keeping records and any other matter necessary to  
effect the purpose of a primary election, caucus or convention.  
A primary election shall must be conducted the same as the  
general election, as nearly as practicable, for each party.

**Sec. 9. 21-A MRSA §340, sub-§1**, as enacted by PL 1987, c. 423,  
§3, is amended to read:

**1. Notice to Secretary of State.** No later than February  
1st 6 weeks before the 2nd Tuesday of June of the election year,  
each political party eligible to participate in a primary  
election, caucus or convention shall notify the Secretary of  
State of the enrollment qualifications, subject to the  
restrictions in section 144, for voters eligible to vote in that  
party's primary election, caucus or convention. If no notice is  
received by that date, only voters enrolled in a political party  
may vote in that party's primary election, caucus or convention.

2           **Sec. 10. 21-A MRSA §351, sub-§§1 and 2**, as enacted by PL 1985,  
c. 161, §6, are amended to read:

4           **1. Limited to one office.** A person may not file, whether  
6 by primary election, caucus or convention or nomination petition,  
as a candidate for more than one federal, state or county office  
at any election, except as provided in subsection 3.

8           **2. Limited to one method.** A person may file as a candidate  
10 for any federal, state or county office either by primary  
12 election, caucus or convention or nomination petition, except as  
provided in subsection 3, but not by ~~both methods~~ more than one  
method.

14           **Sec. 11. 21-A MRSA §354, sub-§1**, as enacted by PL 1985, c.  
16 161, §6, is amended to read:

18           **1. Content.** A nomination petition must contain the name of  
20 only one candidate, his that candidate's place of residence, the  
office sought and electoral division. A nomination petition may  
22 contain as many separate papers as necessary and may contain the  
candidate's consent required by section 355. It may also contain  
24 the candidate's political designation, which may not exceed 3  
words in length, and may not incorporate the candidate's name, or  
26 the designation or an abbreviation of the designation of a party  
which that is qualified to nominate candidates by primary  
election, caucus or convention.

28           A. When 2 United States Senators or 2 county commissioners  
30 are to be nominated, the nomination petition must contain  
the term of office sought by the candidate.

32           B. The names of presidential electors must be placed on the  
34 petition as a slate. The names of the candidates for  
President and Vice President must be placed on a petition  
36 for the nomination of presidential electors.

38           **Sec. 12. 21-A MRSA §354, sub-§7, ¶B**, as repealed and replace  
40 by PL 1985, c. 614, §14, is amended to read:

42           B. Petitions must be delivered to the registrar for  
certification at least 5 business days before the date of  
44 the primary election, caucus or convention.

46           **Sec. 13. 21-A MRSA §354, sub-§8-A**, as enacted by PL 1985, c.  
383, §8, is amended to read:

48           **8-A. Filed with the Secretary of State.** A nomination  
petition must be filed in the office of the Secretary of State by  
50 5 p.m. on the date of the primary election, caucus or convention  
in the election year in which it is to be used.

2           **Sec. 14. 21-A MRSA §371, sub-§1**, as enacted by PL 1985, c.  
3 161, §6, is amended to read:

4  
5           **1. Primary petition if time.** If there is sufficient time  
6 to circulate a primary petition before the primary election,  
7 caucus or convention, as determined by the Secretary of State,  
8 the new candidate must be chosen in that manner. The Secretary  
9 of State shall set a time for filing the new petition and the  
10 consent described in section 336.

11           **Sec. 15. 21-A MRSA §372**, as enacted by PL 1985, c. 161, §6,  
12 is amended to read:

13           **§372. Nominees; 60 days or more before election**

14  
15           If a person nominated for United States Senator,  
16 Representative to Congress or Governor at a primary election,  
17 caucus or convention dies, withdraws or becomes disqualified at  
18 least 60 days before the general election, the Governor shall  
19 issue a proclamation declaring the vacancy and ordering a special  
20 primary election under section 366.  
21

22           **Sec. 16. 21-A MRSA §373**, as enacted by PL 1985, c. 161, §6,  
23 is amended to read:

24           **§373. Nominees; less than 60 days before election**

25           If a person nominated for United States Senator,  
26 Representative to Congress or Governor at a primary election,  
27 caucus or convention or by a political committee dies, withdraws  
28 or becomes disqualified less than 60 days before the general  
29 election, the Governor shall issue a proclamation under section  
30 362.  
31

32           **Sec. 17. 21-A MRSA §391, sub-§§2 and 3**, as enacted by PL 1985,  
33 c. 161, §6, are amended to read:

34           **2. Vacancy 60 days before primary.** If the vacancy occurs  
35 60 days or more before a regular primary election, caucus or  
36 convention, nominees must be chosen at the primary, caucus or  
37 convention and a successor elected for the remainder of the term  
38 at the general election.  
39

40           **3. Vacancy less than 60 days before primary.** If the  
41 vacancy occurs less than 60 days before a regular primary  
42 election, caucus or convention, nominees must be chosen at the  
43 next regular primary election, caucus or convention following the  
44 one in question, and a successor elected for the remainder of the  
45 term at the general election.  
46  
47  
48  
49  
50





2 A. A person who has not qualified as a candidate for  
nomination by primary election by filing a petition and  
4 consent under sections 335 and 336, but who fulfills the  
other qualifications under section 334, may be nominated at  
6 the primary election if that person receives a number of  
valid write-in votes equal to at least twice the minimum  
8 number of signatures required under section 335, subsection  
5, on a primary petition for a candidate for that office.

10 (1) The Secretary of State shall send notice of  
nomination to a write-in candidate by certified mail,  
12 return receipt requested. For purposes of this  
paragraph, the notice is deemed given on the date the  
14 write-in candidate signs the receipt, or if the notice  
is undeliverable, the date the post office last  
16 attempts to deliver it. If the candidate fails to file  
a written acceptance with the Secretary of State within  
18 15 days after receiving the notice, the candidate is  
disqualified and the candidate's name may not be  
20 printed on the general election ballot.

22 B. The Secretary of State shall immediately certify by mail  
the nomination of each person nominated by the primary  
24 election, caucus or convention.

26 **Sec. 22. 21-A MRSAs §782**, as enacted by PL 1985, c. 161, §6,  
is amended to read:

28 **§782. Absentee ballot; procedure on return**

30 On receipt of a return envelope apparently containing an  
32 absentee ballot, the clerk shall note the date and time of  
delivery on it and deliver it to the registrar. The registrar  
34 shall certify on the envelope whether the person whose name  
appears as sender is registered and, if applicable in a primary  
36 election, enrolled in the municipality. He The registrar shall  
then return the envelope to the clerk.

38 **Sec. 23. 21-A MRSAs §812, sub-§5**, as enacted by PL 1985, c.  
40 161, §6, is amended to read:

42 **5. Voting restricted at primary.** It must prevent a voter  
from voting for the nomination of candidates of more than one  
44 party, if applicable, at a primary election.

46 **Sec. 24. 21-A MRSAs §825, sub-§1**, as enacted by PL 1985, c.  
48 161, §6, is amended to read:

50 **1. Primary election.** In a primary election, the warden or,  
in his the absence of the warden, a designated election clerk  
must activate each voting machine so that a voter can vote only  
52 for the candidates of the political party in which he-is-enrolled  
that voter is entitled to vote.

